IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

-

WRIT PETITION NO : 8922 of 2005

Between:

A.Madhusudan Rao, S/o.Purshotham Rao,
M/s.Highway Filing Station, IBP Dealer,
Nizamabad Road, Nirmal, R/o.Nirmal Adilabad Dist.

..... PETITIONER

AND

1 The District Collector, Adilabad Dist.
2 The Revenue Divisional officer, Adilabad District.
3 The Commissioner, Nirmal Municipality, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly one in the nature of writ of Mandamus, declaring the action of the 3rd Respondent in not according permission despite due application dated 15-01-2005 made in accordance with the rules governing the field for sanction of permission for undertaking renovation with necessary repairs of M/s. Highway filing station, situated at Nizamabad Road, Nirmal Adilabad District, as illegal, arbitrary, opposed to the principles of Natural Justice and contrary to the provisions of the A.P. Municipalities Act, 1995 and the rules made thereunder.

Counsel for the Petitioner: MR.P.PURUSHOTHAM REDDY

Counsel for the Respondents 1 & 2 : GP FOR REVENUE

Counsel for the Respondent no.3: Mr. P.Radhakrishna

The Court at the admission stage made the following :

ORDER:

The Writ Petition is filed complaining against the action of the third respondent in not according due permission for construction and renovation of sales rooms of petrol bunk inspite of the application dated 15.01.2005 made by the petitioner.

This Court, as per the interim order dated 21.04.2005, directed the third respondent to consider the application dated 15.01.2005 made by the petitioner seeking permission for construction and renovation of sales rooms of his petrol bunk. Thereupon, the Municipal Council, Nirmal, Adilabad district (third respondent) passed orders dated 07.05.2005 rejecting the application of the petitioner on the ground of non-obtaining of N.O.C. from the A.P. State Wakf Board for renovation of the existing structure. Therefore, there is sufficient compliance of orders of this Court by the third respondent. If the petitioner is so aggrieved by the aforesaid order of the municipality, he is at liberty to assail the correctness of the same in appropriate proceedings.

The Writ Petition is, accordingly, closed. No order as to costs.

DRK 08.06.2005

Copy to:

1 The District Collector, Adilabad Dist.
2 The Revenue Divisional officer, Adilabad District.
3 The Commissioner, Nirmal Municipality, Adilabad District.

4 Two CCs to the G.P. for Revenue, High Court of A.P., High Court buildings, Hyderabad (o.u.t.).

5 Two CD copies.